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Early Morning Clips

Poisoned Del. dad, 2 sons still critical from pesticide

By Cris Barrish,

12:31 p.m. EDT April 2, 2015

The (Wilmington, Del.) News Journal

WILMINGTON, Del. — Three members of a Delaware family, including two teenagers who remain unconscious, are still in critical condition from poisoning by a banned pesticide last month at their luxury condo in the U.S. Virgin Islands, their spokesman said Wednesday.

Steve Esmond, a top administrator at the private Tatnall School in Greenville, Del., has regained consciousness at Christiana Hospital, but sons Ryan and Sean, both Tatnall students, are in a Philadelphia hospital where they still have not awakened, said James J. Maron, a Wilmington, Del., attorney who has been authorized to speak on their behalf.

Their mother, Dr. Theresa Devine, has been released from the hospital, said Maron, whose family was vacationing on the Caribbean island of St. John along with other Delaware families, including the Esmonds, when they were stricken March 20.

Maron said the Esmonds "are great fighters and we continue to be vigilant and optimistic" that they will fully recover. Esmond, 49, is head of Tatnall's Middle School and his sons are in the ninth and 11th grades. Devine is a dentist who practices in Broomall, Pa., about 25 miles northeast of Wilmington.

The Esmonds were poisoned by the pesticide methyl bromide, which was sprayed by employees of Terminix on March 18 in the condominium beneath the unit rented by the Esmond family at the $800-a-night Sirenusa resort overlooking Cruz Bay, a resort official said.

“(The Esmonds) are great fighters and we continue to be vigilant and optimistic.”

James J. Maron, a Wilmington, Del., attorney serving as family spokesman

Methyl bromide, an odorless fumigant, can be fatal or cause serious central nervous system and respiratory system damage, according to the U.S. Environmental Protection Agency. Because of the chemical's "acute toxicity," methyl bromide is now banned indoors and permitted only for limited agricultural uses by trained applicators, the EPA said.

Despite the ban, the pesticide was applied inside units at the Sirenusa resort "to deal with indoor bugs," said Judith Enck, administrator for EPA's region 2, which includes the Virgin Islands, a U.S. territory.

While the Edmonds struggle to recover, the U.S. Department of Justice has launched a criminal investigation into Terminix's use of the pesticide at the resort, according to a U.S. Securities and Exchange Commission filing Monday by ServiceMaster Global Holdings Inc., the parent company of Terminix.

Meanwhile, environmental regulators in the Virgin Islands have issued a "stop-use order" against Terminix for using "Meth-O-Gas" indoors at the Sirenusa resort in October and again on March 18, two days before the Esmond family began having seizures and had to be hospitalized.

After becoming ill, the couple and their sons were rushed to Virgin Island hospitals, and airlifted back to the United States by March 23. U.S. Sen. Chris Coons, D-Del., a close friend of the family, helped get the EPA involved.

Maron said he can't comment further on the cause of the family's poisoning "because it's a criminal investigation."

Peter Tosches, senior vice president for Terminix, issued a statement Monday that said the company was conducting an internal investigation and cooperating with investigators.

"We're thinking about the family, and we join the community in wishing them a speedy recovery," Tosches' statement said.

Plans in Works to Study Health Impacts of Methyl Bromide Use

By Lynda Lohr

April 2, 2015

St. Croix Source

The Health Department has plans in progress to do an epidemiologic investigation on the March incident at St. John's Sirenusa condominiums, where a pesticide containing methyl bromide used to fumigate a room sickened four members of a vacationing Delaware family, the department said in a press release issued Thursday.

Members of the family suffered seizures while staying in the unit.

Health's epidemiologist Dr. Esther Ellis said Thursday, "It's an assessment to look back as to how many other people were affected."

As of Monday, family attorney James Maron said that Stephen Esmond and sons Ryan and Sean remain in a stateside hospital in critical condition. The mother, Theresa Devine, is in a rehabilitation facility. A further update was not available Thursday.

The pesticide was sprayed by the St. Thomas-based Terminix on March 18 in a room at Sirenusa. The Esmonds got sick March 20.

This incident prompted the U.S. Environmental Protection Agency and the V.I. Department of Planning and Natural Resources to launch an investigation into the matter.

Health has asked for assistance from the federal Agency for Toxic Substances and Disease Registry and Centers for Disease Control and Prevention to conduct the study.

The study will include contacting residents of the condo complex who stayed in any of the fumigated units either during or after the application of methyl bromide. Condo complex employees who may have worked in any fumigated units, either during or after the application of methyl bromide, will also be contacted.

Additionally the study calls for contact with emergency responders, law enforcement or other people who may have entered treated units.

According to the press release, those groups will be provided with situational awareness of the potential symptoms that may have presented as a result of exposure to methyl bromide.

In questioning those potentially affected, the study will assess and record any reports on health effects consistent with methyl bromide exposure during the time periods during and after the fumigation activities. It will determine if they have received treatment from a physician for symptoms consistent with methyl bromide exposure or a documented health effect from an actual methyl bromide exposure.

If you frequent an area where gases, such as methyl bromide, may have been applied in a residential setting please take caution and report any symptoms to a medical care provider immediately.

Symptoms of poisoning vary widely. Soon after inhalation of large doses, symptoms may include headache, dizziness, nausea, chest and abdominal pain, and a dry throat.

Wikipedia defines epidemiology as the science that studies the patterns, causes and effects of health and disease conditions in defined populations. It is a cornerstone of public health and informs policy decisions and evidence-based practice by identifying risk factors for disease and targets for preventive health care.

EPA bought out homeowners near Eighteen Mile Creek

By Mark Belcher, News 4 Digital Producer

Published: April 2, 2015, 10:50 pm

WIVB.com – Channel 4 TV Buffalo

LOCKPORT, N.Y. (WIVB) — The closest families to Eighteen Mile Creek are all relocating away from the contaminated creek.

The Environmental Protection Agency staged a buyout of five families, working with a contractor to permanently relocate the families. The homes are set for demolition.

New York State authorities still warn people to stay away from soil near the creek after industrial use has left behind high amounts of PCB chemicals lead, arsenic and chromium. The EPA says it may never be able to pinpoint the sole source of the contamination.

All five families received fair market value for their properties.

New hope for N.Y.'s rivers

The Observation Deck: A blog of opinions on local, state and national issues

Posted on April 3, 2015 |

By Albany Time Union Editorial Board

Millions of federal dollars have long been available in the form of low interest, long-term loans to help municipalities upgrade their aging and inadequate sewage treatment facilities. Yet much of the money has gone untouched.

The failure of communities to tap this money was one of the justifications cited by Gov. Andrew Cuomo's administration in its ill-fated plan last year to tap $500 million from the state's Environmental Facilities Corp. to help finance the $4 billion Tappan Zee Bridge replacement project. The U.S. Environmental Protection Agency blocked most of this use of clean water funds, saying the money was intended for localities to reduce their wastewater discharges.

The abortive raid raised the question of why all this money was just sitting around. The answer, of course, is that communities didn't want to take on the debt load. So projects have been left undone, and pollution unabated.

This could finally change. Funds in the just-enacted state budget, combined with recent federal legislation, can kickstart these much-needed local projects, because they're for outright grants. The state Water Infrastructure Improvement Act of 2015 will provide $200 million over three years; the federal 2014 water resources bill adds another $46 million to the pot.

Together, this infusion of state and federal funds could make long-needed upgrades affordable for localities.

Each year in the Capital Region, more than a billion gallons of raw sewage flows into the Hudson River during heavy rains because of inadequate municipal wastewater treatment facilities. The combined upgrades needed by Albany and Rensselaer counties, the cities of Albany, Troy, Watervliet, Rensselaer and Cohoes, and the village of Green Island, would cost an estimated $136 million.

Similar problems plague waterfront communities all across upstate. Environmental Advocates of New York estimates it will cost $36 billion over the next 20 years to make the needed repairs and replacement of sewage and water infrastructure statewide.

Assemblymen John McDonald, D-Cohoes, and Steve Otis, D-Rye, co-sponsored the state measure. Both are former mayors who know well how vital these grants are. U.S. Sen. Charles Schumer, D-N.Y., co-sponsored the federal legislation.

Investing in wastewater infrastructure is admittedly not a sexy topic. But putting off such public works improvements only costs more in the long run. The new grants offer communities a way to do these projects now while restraining debt growth. They will improve health and safety and preserve the quality of our natural resources. And the projects will create new jobs to stimulate the economy.

Pollution has long hampered our full enjoyment of the Hudson River and other waterways in the state. Communities should tap these grants, and help New York's rivers and lakes become the recreational, aesthetic, and, yes, economic assets they can be.

US gives threatened status to northern long-eared bat

Updated April 1, 2015 11:12 a.m. ET

Associated Press/Wall St. Journal

DETROIT — The federal government said Wednesday that it is listing the northern long-eared bat as threatened, giving new protections to a species that has been nearly wiped out in some areas by the spread of a fungal disease.

White-nose syndrome first was first discovered among bats in a cave near Albany, New York, in 2006 and since has killed millions of the flying mammals in the Northeast, South and Midwest. It spreads while they congregate on the wet walls of caves or abandoned mines, interrupting their hibernation and causing them to starve or dehydrate.

"Bats are a critical component of our nation's ecology and economy," U.S. Fish and Wildlife Service director Dan Ashe said in a statement. He said they play a key role in insect control and "we lose them at our peril."

The service concluded that the northern long-eared bat meets the criteria for a threatened species under the Endangered Species Act. It stopped short of declaring it endangered, which would mean that it is currently in danger of extinction.

While the threat to the northern long-eared bats and its cousins is dire, the tools to protect them are limited, Sullins said. That's because the main threat is from a disease, rather than from human-induced changes in the environment. The protective measures improve their breeding opportunities by restricting some logging and tree removal from forest areas where the bats spend the warmer months. They will be in effect in June and July, when newborn bats live in nests before learning to fly, he said.

White-nose syndrome has been confirmed or is suspected among northern long-eared bat populations in 28 of the 37 states where the species lives, said Tony Sullins, Midwestern chief of the endangered species program for the Fish and Wildlife Service. He said the species has been hardest hit in New England.

"We've seen losses in the upper 90 percent range, 100 percent in some cases," Sullins told The Associated Press.

The Fish and Wildlife Service said interim rules take effect May 4 and final rules will be issued by year's end.

Meanwhile researchers are hard at work trying to find ways of treating and preventing the disease, Sullins said.

Keith Creagh, the director of Michigan's Department of Natural Resources said the U.S. Fish and Wildlife Service's decision balances the interests of wildlife protection and the livelihood and convenience of people.

"The decision ... represents a biologically sound determination that will address the conservation needs of these bats while providing flexibility for those who live and work within the bats' range," Creagh said. "We expect to continue working closely with the service as we focus on finding the right solutions to this conservation challenge."

Don't Be Lulled by Low Oil Prices. We Need an Energy Plan.

By Christine Todd Whitman

April 1, 2015\

Opinion

Wall St. Journal

With oil prices low, it would be easy to perceive that we as a nation have our energy issues under control. But despite the current benefits derived from oil prices that haven't been this low in six years, we still need an overarching energy policy for the U.S.

In 1977, President Carter outlined a national energy plan based on 10 principles, the first of which was that "we can have an effective and comprehensive energy policy only if the government takes responsibility for it and if the people understand the seriousness of the challenge…" Those words are just as true today as they were four decades ago. Congress hasn't had a comprehensive energy bill since 2007, well before the widespread use of fracking and other current practices.

Industry analysts predict that we will need 29% more electricity by 2040, which may seem like the distant future, but is actually on the horizon for utilities given the size of the investments they need to make. Additionally, much of our aging energy infrastructure is in desperate need of repair. If we don't build a new nuclear plant or some other form of clean-energy generation now, we are going to spend vastly more money when the situation grows desperate.

Currently, much of the focus is on the benefits of natural gas. This has happened before–when natural-gas prices are low it seems like the silver bullet. But prices will increase again just as they have in the past. We should take advantage of the current low prices, but not ignore the rest of the system as we plan for the future.

What is crucial to remember is that we have been here before; when prices are low, the energy arena feels under control. But if we don't recognize that we are going to need the full panoply of energy sources available to us, we will soon find ourselves in a very bad place.

Christine Todd Whitman was governor of New Jersey from 1994 to 2001 and administrator of the Environmental Protection Agency from 2001 to 2003. She is currently president of Whitman Strategy Group, a consulting firm that specializes in helping companies find solutions to environmental challenges.

EXCLUSIVE: CLEANUP CLASH ON LI
04/01/2015
Newsday

The owner of a Central Islip property where Suffolk authorities say contaminated fill was illegally dumped is suing a politically connected Islip family and others it contends are behind the scheme.

The lawsuit comes two weeks after state environmental authorities filed their own motion demanding the property owner clean up the site.

The state Department of Environmental Conservation, in a legal motion filed March 16, requested an administrative law judge order L-C Real Estate Group LLC of Smithtown "immediately" to remove as much as 35,000 cubic yards of contaminated fill piled on the roughly 1-acre parcel at the corner of Islip Avenue and Sage Street or face a penalty of at least $100,000.

The agency says L-C Real Estate Group has violated state environmental law by operating a solid-waste management facility without authorization, disposing of solid waste without authorization, or both.

The fill, which an October report commissioned by the property owner found to contain hydrocarbons, metals and pesticides, is a threat to the groundwater and the surrounding community, according to a memorandum of law signed by DEC assistant regional attorney David Rubinton.

The owner, whose managing member is Tommy Lau, must respond to the motion by April 22.

Recovering cost of cleanup

The civil suit L-C Real Estate Group filed in Suffolk County Supreme Court Friday names four individuals and 10 companies it claims are responsible for the dumping - including seven indicted in December by Suffolk County in connection with the dumping scheme.

"Generally speaking, property owners are responsible to clean up whatever mess is on their property," said Peter Bee of Mineola, an attorney for L-C Real Estate Group. "We instituted the lawsuit so that we can try to recover from the responsible parties the cost of any cleanup for which we might be held liable."

The suit names three Datre family members - Thomas Datre Sr., his wife, Clara Datre, and their son, Thomas Datre Jr. - and nine companies connected with the Datres: Datre Auto and Equipment Sales, Datre Trucking and Farming, 5 Brothers Farming Corp. and DFF Farm Corp., all in Middleburgh, N.Y., and Ronkonkoma-based Datre Family Farms, Datre Farms Realty Co., Daytree at Cortland Square, Daytree Construction Co. and Daytree Custom Builders.

Kevin Kearon of Garden City, the lawyer for Thomas Datre Jr., called the allegations in the suit "frivolous" and said his client "conducted himself lawfully and responsibly at all times. Any claims to the contrary will be belied by the facts we look forward to demonstrating in court."

Andrew Campanelli of Merrick, who represents Daytree at Cortland Square along with longtime Islip GOP and Conservative Party donors Thomas Datre Sr. and Clara Datre, said the suit was baseless.

"There is not so much as one iota of merit to the claims," he said. "Neither Mr. or Mrs. Datre nor their company delivered anything to the property which is the subject of this action."

The suit also names Ronald Cianciulli and his company, Atlas Home Improvement Corp. of Long Island, the parent company of Atlas Asphalt, as defendants.

"There is no legal or factual basis for including either Mr. Cianciulli or Atlas Asphalt in this lawsuit," said John Carman, the Garden City attorney representing Cianciulli and his company. "We don't have anything to do with that property."

Dumping called large-scale

The suit alleges Thomas Datre Jr. began "a large-scale operation of dumping fill and construction debris" on the property after getting permission in 2009 from Lau to store construction equipment at the site.

Thomas Datre Jr., whom Suffolk prosecutors said was the "mastermind" of a dumping scheme that stretched across Islip and Babylon, allegedly teamed up with his parents, his family's companies and Atlas and Cianciulli on the dumping, the suit said.

The defendants avoided "at least $50,000 in disposal and trucking fees for which they had accepted payment" by dumping at the site, according to the suit.

Ultimately, between 25,000 and 35,000 cubic yards of construction and demolition debris and contaminated soil, primarily from New York City, ended up on the property.

The cost of properly disposing of the fill is estimated to be between $1.4 million and $3 million, according to the suit, which seeks damages from the defendants of at least $3 million. The Central Islip parcel is one of four locations named by the Suffolk County district attorney where alleged illegal dumping of contaminated fill took place.

Thomas Datre Jr., Thomas Datre Sr., Cianciulli, alleged Datre employee Christopher Grabe and two former Islip Town officials, along with four Datre family companies, were named in the district attorney's indictment. All the defendants have pleaded not guilty.

L-C Real Estate Group's suit says Lau discovered "large quantities of debris had been dumped on the property" in October 2011, when Thomas Datre Jr. admitted to dumping fill and construction debris there.

Lau demanded Thomas Datre Jr. remove the fill, and he agreed, according to the suit. But 21/2 years later, the suit alleges, Lau discovered "even more debris had been dumped on the property."

Lau had a meeting at the site on April 18, 2014, with an Islip Town fire marshal and Grabe, the suit said. The fire marshal issued Lau's company 14 appearance tickets for violations at the site in 2014. The suit says Grabe asked that the tickets be issued to himself instead.

Grabe's attorney, Alia Richards of Sayville, said she was "not in a position to confirm or deny" that allegation, pointing out that Grabe was not a named defendant in the civil suit.

Site covered in debris

The material at the site - sand, silt-containing rock and construction and demolition debris that included brick, concrete, asphalt and ceramic tile - covered about two-thirds of the property and was piled 20 to 25 feet high, according to the October report by C.A. Rich Consultants of Plainview, the firm hired by L-C Real Estate Group to investigate and characterize the fill at the site.

The fill, which the consultant said likely originated at multiple construction and demolition sites in an urbanized area such as New York City, appeared to be "nonhazardous, regulated waste" and contained hydrocarbons, pesticides, lead and mercury.

Some of the samples tested above state standards for the protection of groundwater, leading the consultant to conclude the fill likely will require disposal off Long Island.

Nassau and Suffolk counties are in a federally designated sole-source aquifer region, meaning the Island's nearly 3 million residents rely solely on groundwater as a source of drinking water.

The water table is about 35 feet below the surface at the site, the report said.

The Suffolk County Department of Health Services said county lawyers are negotiating with lawyers for L-C Real Estate Group to get access to the property to begin drilling test wells to determine whether the groundwater has been affected by the fill.

The department said it has been conducting "daily surveillance" of the site, ensuring the area is fenced and dust-suppression measures are in place.

The DEC's legal filing said L-C Real Estate Group has declined a request to remove the fill.

In a Nov. 25 letter to C.A. Rich senior associate Richard Izzo, the DEC said the fill needed to be disposed of off Long Island and asked that the owner of the property submit a plan for removing and disposing of the debris within 30 days.

"We are in conversation with the DEC and hope to come up with a reasonable conclusion," Bee said.

The DEC has been aware of the dumping at the site since July 2013, according to a document accompanying the agency's legal motion.

DEC environmental engineer Pappachan Daniel said in an affidavit his office received an anonymous complaint on July 25, 2013, alleging illegal dumping was taking place at the site.

Daniel went to the property the next day and saw soil mixed with bricks, concrete, wood, tile and rocks piled 12 to 15 feet high, according to the affidavit.

DEC records showed no permits for a solid-waste management facility at the site, Daniel wrote in the March 10 affidavit. The agency issued a notice of violation to L-C Real Estate Group on July 31.

All about 1625 Islip Ave.

L-C Real Estate Group LLC purchased the roughly 1-acre parcel in 2004.

Contaminated fill covers about two-thirds of the property.

Fill contains between 10 and 70 percent rock and debris, including brick, concrete, asphalt and ceramic tile.

L-C Real Estate Group is scheduled to appear in Suffolk County Fifth District Court next week on 14 summonses it received last year from the Islip Town fire marshal.

EPA CITES ASBESTOS REMOVAL FLAWS
04/01/2015
Times Union

Canajoharie

An out-of-state businessman who is having the asbestos-tainted sprawling former Beech-Nut plant in Canajoharie demolished never filed federally required asbestos removal notices with the U.S. Environmental Protection Agency.

Demolition work at the plant, which dominates the village downtown and is visible from the state Thruway, began last year and was shut down by the state in the fall for improper asbestos removal. More than a half-million dollars in local property taxes are also delinquent.

EPA spokesman Elias Rodriguez said Todd Clifford, who bought the building from Beech-Nut in December 2013 for $200,000, did not file a required notice that demolition requiring asbestos removal would be done. Such notices tell how much asbestos is present in a building, what companies will perform the removal, and how work will be performed before demolition.

Failure by a property owner to file such a notice can trigger a fine of $37,500 a day, said Rodriguez, who declined further comment on "ongoing or potentially ongoing investigations." EPA regulates removal of asbestos, which causes cancer, under the Asbestos National Emission Standards for Hazardous Air Pollutants.

Clifford, whose TD Development LLC is based outside Cincinnati, did not return calls seeking comment on Wednesday.

Clifford had been increasingly at odds with village and Montgomery County officials over the project. He owes more than a half-million dollars in delinquent property taxes on the 27-acre parcel and the county said last week that it expects to foreclose on the building for back taxes when that becomes possible early next year.

Demolition and asbestos removal were halted last year at the plant's warehouse complex after asbestos was released inside the building, which is in downtown Canajoharie, according to Village Mayor Francis Avery. Work was stopped again last month after an asbestos removal company stopped work, claiming Clifford never paid it.

The state Labor Department, which also enforces asbestos reporting and removal rules, has refused to answer questions from the Times Union about the project.

However, the Labor Department issued a Feb. 18, 2014, violation against Clifford and TD Development for failure to file a survey of asbestos at the Beech-Nut site, according to a copy of the violation obtained by the Times Union. The violation was signed by DOL Senior Industrial Hygienist Jason Pensabene based on a Feb. 10 inspection of the property, and it ordered Clifford to comply "immediately."

The DOL press office did not return a call seeking comment on Wednesday. It could not be determined when or if Clifford filed the survey.

At least four different asbestos abatement contractors have been hired by Clifford, and all have either left the job or have been terminated.

One contractor, Tom Gilbert, owner of Schenectady-based CGK Environmental Services, stopped work last month, saying he was hired last fall by Clifford and is now owed about $20,000. Another company, Edgeco Environmental Inc. of Cohoes, filed a lien against the property in July 2014 for a $53,000 unpaid bill.

Gilbert said he filed his own federal asbestos removal notice on the Beech-Nut project -- the only one on file with EPA -- in February after he witnessed various issues with demolition, past asbestos handling and metal recycling. "This filing was not to protect Clifford; it was to cover me," said Gilbert.

Earlier this year, when the Times Union asked the state Labor Department about asbestos abatement enforcement history on the property, and for reports on the presence of asbestos and how it was removed, a department spokesman could offer no information.

The Times Union submitted a Freedom of Information Law request at the end of January for the records. After initially claiming records would be provided by the end of February, the department's Record Access Office said in March that no information could be provided before the end of June because of a backlog of FOIL requests.

The Beech-Nut facility has been empty since 2010, when the company moved to a new plant in the town of Florida in Montgomery County. State and local taxpayer incentives worth $100 million-plus helped pay for the $124 million new plant, which employs about 300 people.

But the state assistance did not address what would become of the former plant. Clifford's failure to pay property taxes on the former plant accounts for about 10 percent of the village's total tax levy. This month, Montgomery County was to cover about $255,000 in overdue village and school district taxes.

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State budget also grandfathers projects that are in pipeline
04/01/2015
Buffalo News

Local community and business leaders applauded the final Brownfield Cleanup Program in the state budget, saying the region dodged a bullet when the governor and Legislature agreed to impose new restrictions only in New York City on the popular tax credit program widely used in

Buffalo to redevelop vacant industrial properties.

The final version of the budget abandoned Gov. Andrew Cuomo's controversial proposal to create new hurdles statewide for brownfield redevelopment projects in all municipalities.

Those hurdles, relating to a project's location and whether a developer can afford to proceed without assistance, are intended to prevent abuses, and will determine if a project in New York City can qualify for lucrative state tax credits of up to 24 percent of the project costs. But critics said such changes, if applied in Western New York, threatened to curtail development activity.

"The Buffalo Niagara region has had more Brownfield Cleanup Program success stories than any other community in upstate," said Dottie Gallagher-Cohen, president and CEO of the Buffalo Niagara Partnership, which had named a long-term renewal of the program as its top legislative priority for 2015. "Failure to achieve a timely long-term extension would have seriously jeopardized dozens of projects currently in the pipeline and totally stalled any future brownfield redevelopment."

Now it will be largely business as usual for a program that has benefited Erie County more than any other region in the state. "For everybody that's involved in development in upstate New York and Western New York, this is a biggie," said Marc Romanowski, a veteran environmental and real estate attorney, and partner at the newly formed firm Hopkins, Sorgi & Romanowski.

"I couldn't be happier. The results were fantastic," said Buffalo environmental attorney Craig R. Slater. "It got the message out of how important the success of Buffalo has been."

The brownfield tax credit program, which took effect in 2003, was designed to encourage property owners to clean up and redevelop polluted old industrial properties, returning them to active uses that benefit the community. Such properties are often heavily contaminated, and the substantial cleanup and construction costs can outweigh the future value of the projects in some parts of the state. So in exchange for participating in the program under state environmental oversight, the developers receive generous tax credits to compensate them for the hefty cost of both the cleanup and the construction work.

"I am very happy to see this program continuing and think has been a great economic development tool and will continue to be for this region," said William Paladino, CEO of Ellicott Development Co.

The governor's proposal had stemmed from concern that developers in areas of the state with higher property values, especially the New York City metropolitan area, were getting taxpayer support for projects they would have done anyway, like a Ritz-Carlton hotel in White Plains. The program was slated to expire at the end of this year, but Cuomo vetoed legislation last December that would have renewed it for two years because he wanted the regulations revised.

"We've seen a lot of brownfield success in the city of Buffalo, but there are still a lot of sites in the city that need these benefits," said Brendan Mehaffy, executive director of Buffalo's Office of Strategic Planning. "The particular design of the program was very good for Buffalo, and many of the complaints or concerns were driven by other areas. So it was great to see they didn't throw the baby out with the bath water on this one."

The budget extends the brownfields program by 10 years, giving new project applicants until 2022 to apply for the program and until the end of 2025 to complete any cleanup and construction work. It would also grandfather many projects that are currently in the pipeline, giving them more time to wrap up work.

The program still offers two forms of benefits. Any project or developer can still get a "site prep" tax credit of 28 percent to 50 percent of cleanup costs for removal and disposal of contaminated soil, treatment of groundwater and even demolition, although certain expenses no longer qualify. The bigger credit in dollars, though, is for development costs, and that's where the big changes would have been. That ranges from 10 percent to 24 percent of total construction, with specific credits based on the level of cleanup, whether the project is located in a low-income census-tract area or "Brownfield Opportunity Area," or whether it would create new manufacturing space or affordable housing. Also, asbestos and lead-paint abatement will now qualify for cleanup, even without demolition.

The new legislation allocates $100 million more for the program, and extends the related state Superfund cleanup program for another 10 years, with $1 billion. A separate environmental restoration program for municipalities to clean up properties is also being re-funded. And the state is creating a new "EZ" brownfield cleanup initiative for developers who just want to obtain certification from the state for their cleanup, but aren't interested in going through the significant effort to obtain the tax credits.

email: jepstein@buffnews.com

Region dodges brownfield bullet
04/01/2015
Buffalo News

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"I am very happy to see this program continuing and think has been a great economic development tool and will continue to be for this region," said William Paladino, CEO of Ellicott Development Co.

The governor's proposal had stemmed from concern that developers in areas of the state with higher property values, especially the New York City metropolitan area, were getting taxpayer support for projects they would have done anyway, like a Ritz-Carlton hotel in White Plains. The program was slated to expire at the end of this year, but Cuomo vetoed legislation last December that would have renewed it for two years because he wanted the regulations revised.

"We've seen a lot of brownfield success in the city of Buffalo, but there are still a lot of sites in the city that need these benefits," said Brendan Mehaffy, executive director of Buffalo's Office of Strategic Planning. "The particular design of the program was very good for Buffalo, and many of the complaints or concerns were driven by other areas. So it was great to see they didn't throw the baby out with the bath water on this one."

The budget extends the brownfields program by 10 years, giving new project applicants until 2022 to apply for the program and until the end of 2025 to complete any cleanup and construction work. It would also grandfather many projects that are currently in the pipeline, giving them more time to wrap up work.

The program still offers two forms of benefits. Any project or developer can still get a "site prep" tax credit of 28 percent to 50 percent of cleanup costs for removal and disposal of contaminated soil, treatment of groundwater and even demolition, although certain expenses no longer qualify.

The bigger credit in dollars, though, is for development costs, and that's where the big changes would have been. That ranges from 10 percent to 24 percent of total construction, with specific credits based on the level of cleanup, whether the project is located in a low-income census-tract area or "Brownfield Opportunity Area," or whether it would create new manufacturing space or affordable housing. Also, asbestos and lead-paint abatement will now qualify for cleanup, even without demolition.

The new legislation allocates $100 million more for the program, and extends the related state Superfund cleanup program for another 10 years, with $1 billion. A separate environmental restoration program for municipalities to clean up properties is also being re-funded. And the state is creating a new "EZ" brownfield cleanup initiative for developers who just want to obtain certification from the state for their cleanup, but aren't interested in going through the significant effort to obtain the tax credits.

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Climate of Denial
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New York Post

The White House this week released President Obama's master plan for cutting US carbon emissions by one-third over the next decade - mostly by having the Environmental Protection Agency crack down on coal and oil plants.

The EPA crackdown involves yet another end-run around Congress - which wouldn't pass anti-carbon laws even when Democrats ran it for Obama's first two years.

Second, bigger problem: The whole case for man-caused warming has collapsed. The computer models that represent the crown jewel of climate-change science don't explain why global average temperatures have been flat for 18 years.

Observed reality doesn't begin to match what the models predict - and the folks who make those models are still guessing at why they're so spectacularly wrong.

So the president is aiming to drive up US electricity costs in the name of fighting a threat that, even if it is real, scientists simply don't understand.

Meanwhile, China keeps building new coal plants faster than Obama can shut US ones down. It won't stop, and neither will India - because both nations are intent on growing their way out of poverty.

Yes, the global anti-climate-change dog-and-pony show will keep rolling as long as diplomats can get free meals out of it. But those conferences have been failing to "act" for decades now.

Even if Obama's EPA crackdown goes ahead, it's a dead letter if a Republican wins in 2016 (even money, at this point). And Hillary's no sure bet to stick with it, either.

Polls show that US public concern over warming is below where it was back in 1989. People are far more worried about jobs - which anti-carbon crackdowns make more scarce. All Obama's really achieving is to further antagonize Congress and poison the Democratic Party brand with the general public.

Can Hydrogen-Fueled Cars Rise in China?

By Colum Murphy

April 1, 2015

Wall St. Journal

A Toyota Mirai hydrogen car is pictured during a photo option on the occasion of the Clean-Energy-Partnership following a Franco-German Inter-Ministerial meeting in Berlin on March 31, 2015. —Getty Images

Cars that run on hydrogen and emit only water vapor from their tailpipes would seem like a no-brainer in smog-blanketed China.

Vehicles fueled by the lightest element on the planet currently don't carry much weight, particularly without green vehicle celebrity like Tesla Motor Inc.'s Elon Musk to sell them, but companies like French industrial gas supplier Air Liquide SA are hoping the world's biggest market for passenger cars will become a major market for hydrogen-powered cars.

"If China moves, it will change everything," Pierre-Etienne Franc, vice president for advanced business and technologies at Air Liquide told China Real Time in a recent interview. He added that more demand from China could act as a "trigger" point that could see global demand for such cars finally take off.

As China’s Environmental Protection Administration announced that cars have been the main pollution source in four big cities-Beijing, Guangzhou, Shenzhen and Hangzhou, many are looking to green cars to help clean the air. Supporters say hydrogen-fueled cars have the potential to be completely emission free. They also say such cars are more convenient for drivers because their engines allow for a longer driving range than battery-powered electric cars like those produced by Tesla. Recharging is just a matter of minutes at specially built hydrogen stations.

Air Liquide supplies hydrogen recharging stations needed to run such cars, which can cost around EUR1 million ($1.08 million) each to build, according to Air Liquide.

Japan, the U.S. state of California and some European companies such as Germany have been faster to embrace hydrogen than China, which has only a handful of recharging stations.

Japan wants 100 hydrogen stations by the end of 2015. Toyota Motor Corp. said it will increase annual production of its Mirai hydrogen car model to 3,000 by 2017 from 700 this year.

Still, there have been some signs of encouragement from China on hydrogen cars.

Air Liquide notes that some Chinese car companies such as state-owned SAIC Motor Corp. are exploring manufacturing hydrogen-fueled cars. Last fall, SAIC teamed with Air Liquide to sponsor a 10,000-kilometer (6,200-mile) tour in which three hydrogen fuel-cell vehicles – recharged by a mobile hydrogen station – drove through 10 major cities from Beijing to Chengdu. SAIC did not immediately respond to requests for comment.

China has also taken some baby steps in hydrogen fueled public transportation. In March, the world’s first hydrogen-powered tramcar rolled off the assembly line of Qingdao-based CSR

Sifang Co., according to state-owned Xinhua News Agency.

Some cities are also showing initiative. Foshan in southern China's Guangdong Province has been exploring hydrogen-fueled transportation since 2013, according to Zhou Zhitong, director general of the city's commerce bureau. The local government has built the city's first pilot hydrogen refueling station. "The scheme is still in the early stages of development and aims to first create a supporting ecosystem from which the new energy vehicle industry can prosper," Mr. Zhou told CRT.

The Foshan district of Gaoming is likely to be the site of the first railway vehicle energized by hydrogen in China as part of a project—also by CSR Sifang—to build a 17-kilometer railway line there.

Perhaps most encouraging are new rules announced in July, to be phased in over a two-year period, that require green cars—including those running hydrogen—to account for no less than 30% of all new cars bought for official use each year.

Air Liquide's Mr. Franc says adequate infrastructure is only one part of the equation. China still needs a regulatory framework that would ensure adequate and safe supply of hydrogen, and it needs more car makers to embrace hydrogen technology.

China's desire to improve its environment will eventually drive it to put such conditions in place, he says, adding that embracing hydrogen as a car fuel is also part of the country's journey from manufacturer to innovator. "That road will go through fuel cell technology," predicted Mr. Franc.

Moody's Upgrades WAPA Financial Rating

By Source Staff

April 2, 2015

St. Croix Source

Moody's Investors Service revised the V.I. Water and Power Authority's financial rating outlook from "negative" to "stable" this week according to WAPA. Utility officials said in a statement they believed the move was a reflection of improvements in WAPA's financial position and the near completion of the fuel conversion program, switching the utility from petroleum to less expensive natural gas and other fuels.

In Thursday's action, Moody's also affirmed the rating for WAPA, including its approximate $140 million in senior revenue bonds at "Baa3" and $110 million of subordinate revenue bonds at "Ba1."

"I am very encouraged by today's announcement from Moody's, one of the "big three" rating agencies. WAPA continues to take major steps forward in fulfilling its strategy to diversify its generation portfolio, at the same time, improving efficiency and adding renewable energy sources to the electric grid," WAPA Executive Director Hugo Hodge said Tuesday afternoon.

The significance of today's announcement is that now all three rating agencies have improved the authority's financial outlook to stable, Hodge said, predicting WAPA will continue to see positive results in its financial ratings as WAPA improves its competitive position through rate cuts for its customers and moves away from complete dependence on fuel oil.

A statement by Moody's said the "stable outlook assumes the progress WAPA has made in diversifying its fuel sources and lowering the cost of electricity for Virgin Islands ratepayers will continue to bear fruit and that the cost recovery and surcharge mechanisms approved by the Public Services Commission will support relatively stable cash flow metrics that are appropriate for the rating."

"This action is indicative of all of WAPA's efforts to lower the cost and improve the reliability of electricity in the Virgin Islands. While Moody's was high on the ongoing conversion to LPG, it also took note of the strides being made to increase solar capacity to the grid as well as our efforts to develop smart grid through the introduction of Automated Metering Infrastructure as was presented to the rating agency earlier this year," Hodge said.

“I consider today’s rating announcement to be quite fair as it adequately reflected the challenge of operating a public utility within an island economy. The ratings considered the historically slow payment of the government and perhaps most importantly the fact that, unlike the majority of publicly owned electric utilities in the U.S., WAPA’s rates are subject to the approval of the PSC,” Hodge said.

He added that the rating recognized the regulatory support the utility has received as it has progressed towards the near completion of the conversion from oil fuel to tri fuel. “This has had the effect of lowering the rates which reducing the deferred fuel balances and associated debt burden," he said.

“In addition, the rating acknowledged the steady financial improvements that have occurred at WAPA over the past severa

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